

MHT/TFM

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT COURT

ALONZO AUSTIN, Executor, for
RUTH H. LEWIS, Estate
Plaintiff(s)

VS.

MODERN WOODMEN OF AMERICA
et al,
Defendant(s)

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

2007 APR 10 P 12:38

RECEIVED

Motion for Summary Judgment by Plaintiff(s) in
response to Motion to DISMISS by Defendant(s)

Plaintiff(s) pursuant to RULE 56 of the Federal Rules of Civil Procedure, Moves the Court to enter Summary Judgment for the Plaintiff(s) on the grounds that there is no genuine issue as to any material fact, and the Plaintiff(s) is entitled to judgment as a matter of Law.

In support of this motion Plaintiff(s) refers to the record in this action, including the Complaint, The answer to it and plaintiff attached Affidavit and exhibit "B" by ^{Alonzo Austin, pro se} ~~Alonzo Austin, pro se~~
ALONZO AUSTIN

Address: 1321 Oliver-Carlis Rd, Tuskegee, AL 36083, Ph# (334) 727-5476

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, ~~Executor~~, for
RUTH. H. LEWIS, Estate
Plaintiff(s)

VS.

MODERN WOODMEN OF AMERICA
et.al,
Defendant(s)

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

DEPCA P. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

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Affidavit in Support of Motion for Summary Judgment.

STATE OF ALABAMA, ss.

COUNTY OF MACON;

ALONZO AUSTIN who, being first duly Sworn,
deposes and Says:

I, I am ALONZO AUSTIN and have personal
knowledge of the facts Set forth,

This Affidavit is Submitted in support of the
Plaintiff(s) motion for Summary Judgment
for the purpose of Showing that there is in
this action NO genuine issue as to any
Material fact, and that the Plaintiff(s)
is entitled to judgement as a matter of Law
As issue is Constitutional in Nature.

1 OF 2

2. ~~Defendant~~ Allan Nathanson an ATTORNEY at Law. In the Law firm of "GRAY, LANGFORD, SAPP, MCGOWAN, GRAY, & NATHANSON" OF TUSKEGEE, ALABAMA was involved in Bank transaction with Deborah Biggers, ATTORNEY AT LAW in TUSKEGEE, ALABAMA, along with Juanita K. Upshaw, (Acting under Color of State Law) and in violation of 42 U.S.C. § 1983. See Document attached as exhibit "A".

3. The Document speaks for itself, this is contrary to ATTORNEY NATHANSON Affidavit, wherein Mr. NATHANSON states and I quote "I had NO involvement in any of the matters alleged in the Complaint".

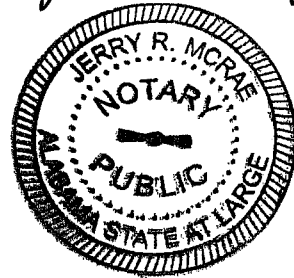
Fact, the Complaint alleged Abuse of Process beginning in March 1993 thru Principal Lewis Death on November 26, 1994 exhibit "A" above reveals that Attorney Alan Nathanson, Signature appears on this document evidencing on March 4, 1994, \$72,810.69, of Principal Ruth H. Lewis, Money was Deposited in an account TITLED Juanita K. Upshaw Consent & GDN OF RUTH H. LEWIS, while she was a live. THE Record reflect that MS. RUTH H. LEWIS, Deceased on November 26, 1994 perhaps ATTORNEY Nathanson, would like to amend his Affidavit.

2 of 2

IN CONCLUSION, MR ALLAN NATHANSON, IS
AN ATTORNEY IN THE LAW FIRM OF GRAY,
LANGFORD, SAPP, MCGOWAN, GRAY, & NATHANSON
AND AS SUCH THE EVIDENCE REVEALS THAT
HE, AND LAW FIRM MEMBERS, KNEW OR SHOULD HAVE
KNOWN OF HIS INVOLVEMENT ON MARCH 22, 1994,
AFTER ALL OVER \$72,810, DOLLARS WERE
TRANSACTED. AT A TIME WHEN PLAINTIFF(S), WERE
BEING BATTERED AROUND BETWEEN PROBATE AND CIRCUIT COURT,
DEMANDING ALL DOCUMENTS AND VEHICLE TITLE OF 92 BUICK,
FROM PLAINTIFF(S), OR PLAINTIFF(S), COULD BE HELD IN
CONTEMPT OF CIRCUIT COURT, AS A MATTER OF
FACT THE COURT, RECORDS SHOW PLAINTIFF(S),
WAS HELD IN CONTEMPT ON OR NEAR MARCH 22, 1994,
HOW INTERESTING, WOW!!! (Principal had been kidnapped
and removed from her home!! by then.. by Alonge Austin Prose
Alonge Austin Prose

Jerry R. McRae, Notary

Com. Expires 2-28-09



Southtrust Bank AUBURN, AL

Exhibit B

From the file

ACCOUNT TITLE:

JUANITA K UPSHAW CONSERV
& COE OF RUTH H LEWIS

BR.

ACCOUNT NUMBER

10008 REV. 03/99

003

29 953 181

200

TAX I.D.

OFFICER
NUMBER

424-24-6993

027

FIRST DEPOSIT

DATE
OPENED

BANK NO.

72810.69

03/04/94

075

ACCOUNT
TYPE

TYPE OF DEPOSITOR

CHECKING

SAVINGS

FIDUCIARY (e.g. EXECUTOR, TRUSTEE, ADMINISTRATOR, GUARDIAN)

UNINCORPORATED NON-BUSINESS ASSN (e.g. CHURCH, SCHOOL, CHARITABLE ORGANIZATION, ETC.)

SOURCE OF FUND
CODE

WAY CODE

EMPLOYED BY (FULL NAME OF EMPLOYEE)

CHECKS WILL BE SIGNED BY ANY OF THE FOLLOWING:

TYPE OR PRINT NAME

1. Juanita K Upshaw

JUANITA K UPSHAW

2.

3.

4.

5.

6.

AND COUNTERSIGNED BY ANY OF THE FOLLOWING:

TYPE OR PRINT NAME

1.

2.

ACCOUNT NUMBER 29 953 181

PHONE #1

205-724-0839

REFERRED BY:

LOCAL ADDRESS: P O BOX 275

CITY, STATE, ZIP TUSKEGEE, AL 36087

PRIMARY MAILING ADDRESS: BOX 275

CITY, STATE, ZIP TUSKEGEE AL 36087

The depositor named below hereby agrees to abide by and be bound by the Bank's Rules and Regulations Governing Deposit Accounts and its Schedule of Services and Service Charges, and by all amendments made to either of them from time to time on notice to the depositor. The undersigned acknowledges receipt of a copy of such Rules and Regulations and Schedule of Service Charges as presently in effect. The undersigned confirms that the primary purpose of this account is for personal, family or household purposes, and the undersigned also acknowledges receipt of a copy of the Truth-in-Savings Account Disclosures for this account.

Certification.—Under penalties of perjury, I certify that

- (1) The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

Certification Instructions.—You must cross out item (2) above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. For real estate transactions, item (2) does not apply. For mortgage interest paid, the acquisition or abandonment of secured property, contributions to an individual retirement arrangement (IRA), and generally payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN.

Juanita K. Upshaw Conserv & Coe of Ruth

DEPOSITOR'S NAME

H. LEWIS

Juanita K. Upshaw

TITLE Conserv & Coe

COMMENTS:

PLEASE COMPLETE THE RESOLUTION ON BACK
IF DEPOSITOR IS AN UNINCORPORATED NON-BUSINESS ASSOCIATION.

MENEFEE, Ar. Story, George Clay (Embezzlement)

Biggers Law Firm and FRED Gray Sr. Law Firm + partner

(1)

Conspirators under the color of
(State Law!!)

(2)

(Deborah Biggers Atty.)

(Allan Matherson atty)

Obate Judge;

ALTONZA

Biggers

Law Firm

and FRED

Gray Sr.

Law Firm + partner

(1)

(Deborah Biggers Atty.)

(2)

(Allan Matherson atty)

P.04

SOUTHTRUST BANK AUBURN

13348874490

04-03-1998 17:40

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of the foregoing document upon

Melton Espy & Williams, PC
P.O. Drawer 5130
Montgomery, AL 36103-5130

Gray or

Nathanson

by depositing same in the U.S. mail
postage prepaid on this the 10th
day of April 2007

Alonzo Austin, Pro Se
by, Alonzo Austin Pro Se
ALONZO AUSTIN
1321 Oliver-Carlisle Rd.
Tuskegee, AL 36083
Ph.# (334) 727-5476